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SERVICE DATE - APRIL 25, 2003

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub-No. 227X)

Norfolk Southern Railway Company - Abandonment Exemption - in Russell County, VA

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of the line extending between Milepost CH-3.6 at Hurricane Junction and Milepost CH-6.5 at Clinchfield, a distance of approximately 2.9 miles in Russell County, Virginia. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to NSR, this line was built in 1956 by Norfolk and Western Railway Company as part of the Dumps Creek Branch to serve coal mining operations. On June 1, 1982, Norfolk and Western Railway Company and Southern Railway Company consolidated as subsidiaries of Norfolk Southern Corporation. Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company, and Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company.

NSR states that no rail traffic has originated, terminated or moved overhead on the line segment proposed for abandonment for at least two years. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

The right-of-way width is 50 feet on each side of the main track centerline. NSR does not own the right-of-way, therefore, the owner and local zoning and development ordinances will control future land use. The land use along the rail line proposed for abandonment of service is 70% former mining area and 30% undeveloped.

The line proposed for abandonment crosses Hurricane Branch along with one of its tributaries, and passes through 100-year flood plains and wetlands associated with these waterways. One trestle bridge crosses Hurricane Branch at Milepost CH-3.75. According to NSR, the structure is short in length and relatively modern and ordinary in design and construction. NSR states that it does not intend to significantly alter the contour of the roadbed

during salvage, and that it has no plans to undertake significant in-stream work, with salvage activities to be performed in the right-of-way whenever possible. No discernable effects on 100-year flood plains or wetlands are expected in connection with the proposed abandonment.

ENVIRONMENTAL REVIEW

NSR submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NSR served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The Commonwealth of Virginia Department of Historic Resources (VA SHPO) has completed their assessment of the potential impact of this project on historic resources. Based on the information provided, the VA SHPO has concluded that the proposed actions will not effect properties eligible for or listed on the National Register of Historic Places.

The Commonwealth of Virginia Department of Environmental Quality - Abingdon Regional Office (VA DEQ) has indicated that the Virginia Air Pollution Regulation for fugitive dust emissions (9 VAC 5-40-90) could be applicable at this site. Fugitive air emissions should be controlled during the project and any land clearing debris should be disposed of in an approved manner. The applicant should comply with open burning and fugitive air emission regulations. VA DEQ has also indicated that stormwater permits are required for land disturbing activities greater than one acre. A Virginia Water Protection Permit will not be required if work is not performed in the streams or below the ordinary high water line during salvage activities. Strict soil and erosion control methods should be followed during any land disturbance that could result in sedimentation to streams in the project area. Prior to commencement of any salvage activities on this project, NSR will be required to contact VA DEQ.

The Commonwealth of Virginia Department of Conservation and Recreation (VA DCR) also recommends the implementation of and strict adherence to erosion and sediment control measures during all land disturbing activities to minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities.

The U.S. Fish and Wildlife Service - Gloucester Office (US FWS) has indicated that, based on the project description and location, it appears that this project is not likely to adversely affect any Federally listed or proposed endangered and threatened species or their designated critical habitat. The Commonwealth of Virginia Department of Game and Inland Fisheries has advised us that the state threatened black sandshell mussel (*Ligumia recta*) may occur in streams or waterways crossed by or adjacent to the rail line. Accordingly, we will recommend a consultation condition requiring that NSR contact the Virginia Department of Game and Inland Fisheries prior to salvage to evaluate impacts to the mussel species.

CONDITIONS

We recommend that the following two environmental conditions be placed on any decision granting abandonment authority:

1. To address the concerns raised by the Commonwealth of Virginia Department of Environmental Quality - Abingdon Regional Office, NSR shall, prior to commencement of any salvage activities on this project, contact the Commonwealth of Virginia Department of Environmental Quality concerning possible impacts on air quality from fugitive dust emissions and any water quality permitting requirements.
2. Prior to any salvage activities, NSR shall consult with the Commonwealth of Virginia Department of Game and Inland Fisheries (Amy Martin at 804-367-2211) to evaluate potential impacts to the state threatened black sandshell mussel (*Ligumia recta*) that may occur in waterways that are crossed by or are adjacent to the line proposed for abandonment.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-290 (Sub No. 227X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: April 25, 2003.

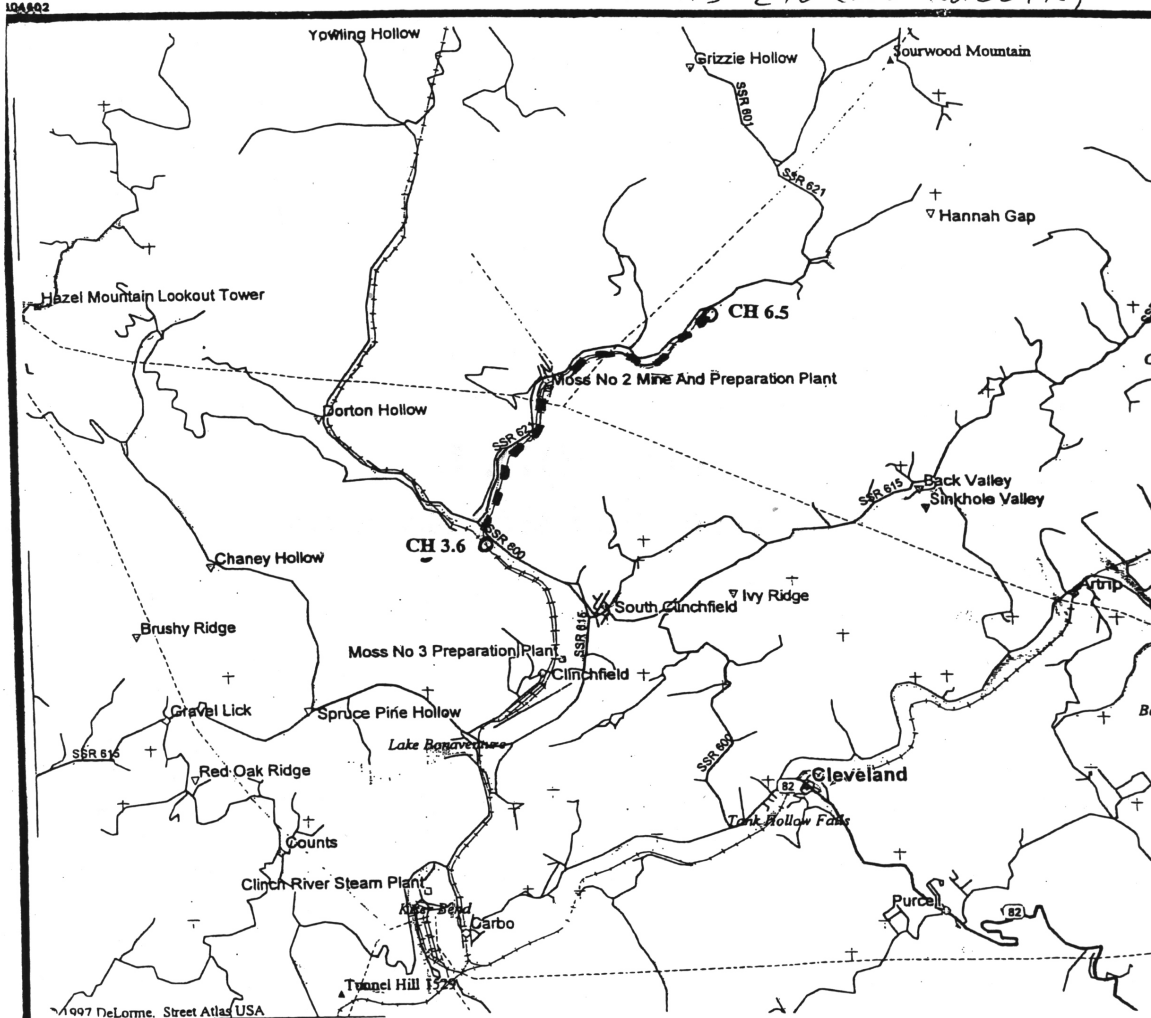
Comment due date: **May 12, 2003 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

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DO NOT SCALE THIS DRAWING FOR DIMENSIONS NOT GIVEN

NS NORFOLK SOUTHERN

OWNING COMPANY

OFFICE OF CHIEF ENGINEER - DESIGN & CONSTRUCTION ATLANTA, GA.

REV	BY	DATE	DESCRIPTION
LOCATION Hurricane Jct. to Clinchfield, Virginia			
TITLE Proposed Line Abandonment Between MP CH 3.6 and CH 6.5			
DGN	VAL	SEC	MAP
DWN	RPD	FILE	188-24
CHK	DATE	August 18, 2000	
			MILE POST
			DRAWING NUMBER
			TA 00-0115

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FIELD BOOK

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